



***Personnel Board***

March 5, 2012

The Personnel Board was called to order by Jerry Nolen, Human Resources Director, in a meeting held, Friday, March 2, 2012 at 8:00AM in the Conference Room at Pelham City Hall.

Present were Board members Jim Collins, James Burks and the newly elected employee representative, Bobby Hayes; also present were Jerry Nolen, Human Resources Director; and Janis Parks, Administrative Assistant.

Mr. Nolen stated he had no items for the agenda but did announce a job opening at Ballantrae Golf. The meeting was opened for the Board members for questions or input. Mr. Hayes had questions pertaining to some people not following the Civil Service Law. This Board is responsible for ensuring that the rules are followed and from this day forward they must be followed, specifically, Rule 2.5, Maintenance of Classification Pay Plan. Mr. Hayes also advised that Rule 2.12.a is not followed when new employees are hired, with the specific reference to new hires beginning at Step 1 of the grade.

Mr. Nolen advised that in the Mercer study there was an allowance of starting a new employee above a Step 1 in particular reference with a college degree. Mr. Hayes advised that was against State law. For example, Mr. Hayes asked about Mike Dickens and where he was on the pay plan. Mr. Nolen advised that he was directed by the appointing authority for Mike's position on the pay scale.

Mr. Burks asked if the Personnel Board should approve any other entry Step beside the entry of Step 1 for new hires.

Mr. Collins advised in light of the current lawsuit, that only the Board speaks for the Board and not any other City employee.

Mr. Hayes wants to ensure that the job openings are following the process of appropriate hiring, whether through competitive testing or experience. The employees are responsible for the jobs of the city and they have representation. We will do what is right for the employees and therefore what is right for the City. Open competitive testing allows you to select the appropriate employees to compete for the position. Mr. Hayes advised he would follow the law to the letter and the other Board members agreed.

Mr. Burks advised that he went through the lawsuit document and did not know any of the people from any prior complaints to the Personnel Board. He looked up the regulations noted in the lawsuit and found the law was not followed. Why weren't any of the employee complaints forwarded to the Personnel Board? The process of the grievance needs to be followed as outlined in Rule 8. Mr. Hayes stated that he knew of a grievance from an employee that should have been heard, but the Department Head had indicated the employee didn't have a grievance and therefore there wouldn't be a hearing.

Mr. Nolen advised Mr. Burks that he was unaware some of those in the lawsuit had a complaint. Mr. Nolen didn't know about the lawsuit until he read it in the paper.

In continuing with the conversation about testing, Mr. Hayes stated having a problem with appointees in which there was no advertising of the position opening and that the appointee had no experience and was not brought before the Board. We must follow the rules, and the job openings or appointments require interviews and exams. Mr. Nolen advised he did have applications in his office.

The next topic of discussion concerned employees' efficiency ratings. Employees that don't know the jobs, are giving efficiency ratings on employees. That needs to stop. Evaluations are important to the employees and no one should be giving an evaluation that doesn't know the jobs. Mr. Nolen advised he distributes the eval notices once a month. He was asked who receives them at the Complex and he advised Eva Shepherd. Mr. Hayes asked why her and Mr. Nolen responded that the Mayor had instructed him to send the evals to her. The Complex had not received efficiency ratings for two years. How can the Marketing Director rate those employees? Mr. Hayes asked Mr. Nolen if the evals had been returned to HR. Mr. Nolen didn't know and asked Janis Parks who stated she would have to check the files, since she normally receives about 200 to post and file. Mr. Hayes requested a report.

Even if an employee is considered 'topped out' they should still receive an evaluation. The Board agreed and said employees should continue to be followed-up with.

Mr. Nolen stated that he and HR are caught in the middle when HR follows the law, but the appointing authority or Council give different directions.

The question was asked if the Mercer Salary study was adopted as presented. There was no answer. Mr. Hayes wanted to know if we, (the City) had paid the money for the study, but did not adopt the plan. Mr. Nolen advised that he knew it needed to be changed.

Mr. Collins requested to re-introduce the Voluntary Sick Bank as a promulgated rule. There is no need for Council approval of a promulgated rule that does not change the intent of the Civil law. Mr. Collins made a motion and Mr. Burks seconded to implement the Voluntary Sick Bank. During discussion, it was decided since the original rule had been previously voted and signed, it was not necessary to vote again. Therefore the motion was withdrawn and the original approved rule will be upheld.

For record, Mr. Jim Burks will continue as a representative on the Personnel Board until replaced. The interpretation of the law was provided by the attorneys and a copy of the email is attached for reference. Mr. Nolen stated he did not know anything about the letter or request for the interpretation, but had requested a copy of the email.

The Board advised that if there are any problems, refer them to the Board. That would include any instructions given by the Clerk, Department Heads, Council or Mayor that would violate the Civil Service law. These rules and regulations will be followed and no one has the authority to violate.

Mr. Hayes requested a list of employees with Supervisor name, current grade & salary for the Personnel Board. There should also be training from HR, of which Mr. Nolen advised we do training for compliance.

The grievance rules in Rule 8 need to be followed along with Rule 10.1.b and Rule 10.4. This reference prohibited activity concerning..."securing for any person an appointment or advantage in appointment to a position, or an increase in pay or other advantage in employment in any such positions, for the purpose of influencing the vote or political action of any person, or for any consideration." The Board continues to state that the rules will not be violated.

The Secretary then recognized Billy Crandall. Mr. Crandall asked how would the improper action be corrected. Mr. Collins stated that the lawsuit would correct the actions. Also, employees need to read the Rules and Regulations to understand their rights.

The Secretary then recognized Gary Waters. Mr. Waters extended thanks to Mr. Collins for taking the initiative and courage to bring forth the violations of the Civil Service law in the lawsuit. It had also prompted him for the first time, in all the years of his service, to write to the Ethics Commission, indicating the violations of the law on the appointment of Mike Dickens to the Municipal Court Administrator and also the pay plan.

Also recognized was Marsha Yates. Her question was in reference to the notices of evaluations that are sent each month to the Department Heads by Jerry. She has not received an evaluation in two years. She would like to know why. Mr. Hayes requested Jerry to check into the request.

Prior to adjournment, Ms. Parks requested that the Board consider the public meeting that will need to be held to discuss the Voluntary Sick Bank required under Rule 1.7. The Board agreed and she will include calendar dates for the Board to select a date for the public meeting.

The next meeting for the Personnel Board will be sometime in April when a date can be established.

The Personnel Board concluded the meeting and adjourned at 9:15AM.